

Directional Drilling Under the Great Lakes

In June, 1997, the U.S. Army Corps of Engineers responded to a controversial proposal to allow directional drilling for oil and natural gas under the Great Lakes.

Under Section 10 of the Rivers & Harbors Act of 1899, the U.S. Army Corps of Engineers has authority to require permits for construction in navigable waters of the U.S., and the Corps' Detroit District examined whether this authority could apply to the proposed drilling. It found that drilling under the Great Lakes could fall under Corps jurisdiction if work affected the course, location, condition, or capacity of navigable waters. The determination would have to be made on a case-by-case basis and consider geologic conditions in drilling area, such as the potential for gas or oil to leak into lakes.

In reaching its determination, Detroit District considered the unique geologic formations in the Great Lakes. The District also used the Michigan Environmental Science Board's in-depth review of the matter.

The District has notified two companies that had proposed drilling of the permit requirement; one in 1997 and another in 2000. To date, neither company has submitted an application.

The State of Michigan recently proposed lifting its 1997 moratorium on directional drilling under the Great Lakes. In response, Rep. David Bonior of Michigan introduced a bill in the U.S. House of Representatives, prohibiting the expenditure of funds for issuance of Section 10 permits for drilling "from the land beneath the water" of the Great Lakes, in effect banning the Corps from issuing these permits. This bill passed in the House in June and is awaiting Senate action.